

RICHARD J. GIESE,)
)
Plaintiff,)
)
v.) Case No. 4:05-CV-550 TIA
)
ALAN BLAKE,)
)
Defendant.)

This matter is before the Court upon its own motion. On April 29, 2005, plaintiff was granted twenty days in which to submit the Court’s form “Motion to Proceed without Prepayment of Costs” and “Financial Affidavit - CJA 23” [Doc. #3]. The Court instructed the Clerk of Court to send the requisite forms to plaintiff; however, plaintiff mistakenly was sent the Court form entitled “Motion to Proceed In Forma Pauperis and Affidavit in Support–Prisoner Cases.”

IT IS HEREBY ORDERED that the Clerk of Court shall provide plaintiff with the court forms entitled “Motion to Proceed without Prepayment of Costs” and “Financial Affidavit - CJA 23.”

IT IS FURTHER ORDERED that plaintiff shall have twenty (20) days from the date of this Order to pay the statutory filing fee of \$250.00, or to submit a fully completed and signed “Motion to Proceed without Prepayment of Costs” and “Financial Affidavit - CJA 23.”

IT IS FURTHER ORDERED that if, within twenty (20) days from the date of this Order, plaintiff fails to pay the filing fee or fails to submit a fully completed and signed “Motion to

Proceed without Prepayment of Costs” and “Financial Affidavit - CJA 23,” the case shall be dismissed, without prejudice.

IT IS FURTHER ORDERED that if plaintiff timely submits a “Motion to Proceed without Prepayment of Costs” and “Financial Affidavit - CJA 23,” the Clerk shall cause this case to be resubmitted to the Court for review under 28 U.S.C. § 1915.¹

Dated this 31st day of May, 2005.

/s/ Terry I. Adelman
UNITED STATES MAGISTRATE JUDGE

¹If plaintiff pays the filing fee, he will be responsible for serving the summons and complaint upon the defendant. See Fed. R. Civ. P. 4(d). Service must be made within 120 days of the filing of the complaint (in the instant case, within 120 days of the payment of the filing fee). See Fed. R. Civ. P. 4(m). Plaintiff is advised that he may seek guidance on serving the defendant from the Office of the Clerk.